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General Assembly

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Sixty-third session
Third Committee

Allocation of agenda items to the Third Committee

Letter dated 19 September 2008 from the President of the General Assembly to the Chairman of the Third Committee

I have the honour to inform you of the decisions taken by the General Assembly at the 2nd plenary meeting of the sixty-third session, on 19 September 2008, pertaining to the allocation of items to the Third Committee.

I wish to draw your attention to the relevant parts of sections III and IV of the report of the General Committee (A/63/250 and Corr.1) concerning the agenda of the Main Committees.

May I also draw your attention to the recommendations on the organization of the session contained in section II of the same report. Those recommendations were also approved by the General Assembly at its 2nd plenary meeting.

(*Signed*) Miguel **d'Escoto Brockmann**

08-53180 (E) 031008

Allocation of items to the Third Committee

1. Election of the officers of the Main Committees [item 5].

A. Maintenance of international peace and security

2. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions [item 39].

B. Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences

3. Social development [item 55]:

   (a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly;

   (b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family;

   (c) Follow-up to the International Year of Older Persons: Second World Assembly on Ageing;

   (d) United Nations Literacy Decade: education for all;

   (e) Review and appraisal of the World Programme of Action concerning Disabled Persons.

4. Advancement of women [item 56]:

   (a) Advancement of women;

   (b) Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly.

D. Promotion of human rights

5. Promotion and protection of the rights of children [item 60]:

   (a) Promotion and protection of the rights of children;

   (b) Follow-up to the outcome of the special session on children.

6. Indigenous issues [item 61]:

   (a) Indigenous issues;

   (b) Second International Decade of the World's Indigenous People.

7. Elimination of racism and racial discrimination [item 62]:

   (a) Elimination of racism, racial discrimination, xenophobia and related intolerance;

   (b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

8. Right of peoples to self-determination [item 63].

9. Promotion and protection of human rights [item 64]:

   (a) Implementation of human rights instruments;

   (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

   (c) Human rights situations and reports of special rapporteurs and representatives;

   (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;

   (e) Convention on the Rights of Persons with Disabilities.

H. Drug control, crime prevention and combating international terrorism in all its forms and manifestations

10. Crime prevention and criminal justice [item 97].

11. International drug control [item 98].

I. Organizational, administrative and other matters

12. Revitalization of the work of the General Assembly (see para. 69 (h)) [item 110].

13. Programme planning (see para. 73 (a)) [item 119].

United Nations A/C.3/63/2

General Assembly

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15 September 2008

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Sixty-third session
Third Committee

Letter dated 9 July 2008 from the Chairman of the Committee for Programme and Coordination to the Chairman of the Third Committee

I am writing to inform you that the Committee for Programme and Coordination at its forty-eighth session recommended that the General Assembly allocate programme 19, Human rights, of the proposed strategic framework for the period 2010-2011 (A/63/6 (Prog. 19)) to the Third Committee for its review and action under the agenda item entitled "Programme planning".

I would like to further inform you that, owing to a shortage of time, the Committee was unable to review the amendments to programme 19 that were proposed by delegations. The Committee has therefore recommended transmitting to the Third Committee the draft conclusions and the amendments that were proposed, which are annexed to the present letter.

(*Signed*) **Ren** Yisheng
Chairman
Committee for Programme and Coordination

08-50575 (E) 031008

Annex

Conclusions on and amendments to programme 19, Human rights, of the proposed strategic framework for the period 2010-2011 proposed by the Committee for Programme and Coordination at its forty-eighth session

Conclusions

1. The Committee for Programme and Coordination reaffirmed that peace and security, development and human rights are interlinked and mutually reinforcing pillars of the United Nations system, and welcomed the role of the United Nations High Commissioner for Human Rights in giving practical effect to this understanding.

2. The Committee expressed support for the overall orientation of programme 19, Human rights (see A/63/6 (Prog. 19)), which is guided by the principles of universality, objectivity, impartiality and non-selectivity towards the full realization of all human rights, civil and political rights and economic, social and cultural rights, including the right to development.

3. The Committee emphasized that it is of utmost importance that the objectives pertaining to the support of the Human Rights Council and its subsidiary bodies and mechanisms, including the Advisory Committee, the special procedures, the universal periodic review and the complaint procedure, namely, the promotion and protection of human rights, be fully accomplished through the provision by the Office of the United Nations High Commissioner for Human Rights (OHCHR) of support and advice.

Amendments

Overall orientation

Paragraph 19.1

At the end of the paragraph, insert the words "and 62/219 on the report of the Human Rights Council".

Paragraph 19.2

Replace the paragraph with the following:

"The programme is guided by the principles of universality, objectivity, impartiality and non-selectivity in order to promote and encourage respect for human rights and to give practical effect to the will and resolve of the world community in this regard, as expressed through the United Nations. The programme also works to remove obstacles to the full realization of all human rights and to prevent the continuation of human rights violations, including with relevant parties. The 2005 World Summit Outcome acknowledged peace and security, development and human rights as being interlinked and mutually reinforcing pillars of the United Nations system, providing foundations for collective security and well-being. The United Nations human rights programme has a role in making development equitable, sustainable and

responsive to the needs of people and in relation to conflict prevention and resolution."

Paragraph 19.3

At the end of the first sentence insert the words: "and within the framework of the overall competence, authority and decisions of the General Assembly and the Human Rights Council".

Replace the third sentence with the following:

"By the end of 2010, the Office will complete, as appropriate, its reform in the follow-up to the 2005 World Summit, which took note of the High Commissioner's plan of action."

Paragraph 19.4

Move the paragraph to follow paragraph 19.5 and renumber the subsequent paragraphs accordingly.

Delete the first sentence.

Replace the second sentence with the following:

"Increased support for human rights implementation will continue to be provided to requesting Member States through, inter alia, assistance to national systems of human rights protection, national capacity-building, technical cooperation, human rights education and other relevant activities."

or

Replace the second sentence with the following:

"Increased support for human rights implementation will continue to be provided to requesting Member States through an agreed framework which may include, inter alia, field activities to assist national systems of human rights protection, national capacity-building, technical cooperation, human rights education and other activities."

Paragraph 19.5

In the first sentence replace the word "including" with the words "in particular" and delete the words "protecting the environment".

or

In the first sentence, replace the words "protecting the environment and countering discrimination on all internationally recognized grounds, including race, sex, language or religion" with the words "protecting the environment and countering racism, racial discrimination, xenophobia and related intolerance as well as discrimination on all grounds stipulated in international human rights law, including race, sex, language and religion".

or

In the first sentence, after the word "countering", insert the words "racism, racial discrimination, xenophobia and related intolerance".

At the end of the first sentence, replace the words "as identified by the Human Rights Council and other relevant United Nations organs" with the words "as assigned to OHCHR by the competent bodies of the United Nations system in the field of human rights".

Paragraph 19.6

At the end of the first sentence, insert the words "and the treaty-monitoring bodies".

Delete the second sentence.

Replace the third sentence with the following:

"Efforts will continue to further rationalize, adapt, strengthen and streamline the United Nations mechanisms in the field of human rights with a view to improving their efficiency and effectiveness, in accordance with relevant resolutions and intergovernmental decisions."

Subprogramme 1
Human rights mainstreaming, right to development, and research and analysis

A. Human rights mainstreaming

Objective of the Organization

Replace the objective with the following:

"to advance the promotion and protection of all human rights and to further integrate, as appropriate, human rights and their gender dimension into all relevant areas of work of the United Nations system".

Expected accomplishments of the Secretariat

In expected accomplishment (a), delete the word "environmental".

Insert a new expected accomplishment (d) reading:

"Promotion and mainstreaming of respect for cultural diversity in United Nations activities related to the promotion and protection of human rights".

Indicators of achievement

Insert a new indicator (d) reading:

"Increased number of United Nations projects, activities that further integrates cultural diversity".

Strategy

Paragraph 19.9

In the chapeau, replace the words "bearing in mind" with the words "consistent with".

Replace subparagraphs (b) and (c) with the following:

"Strengthening the substantive engagement and partnership, at the international level, of OHCHR with the World Bank, the United Nations Development Programme, other United Nations agencies, bearing in mind their respective mandates, and civil society, promoting the practical integration of human rights into development programmes and ensuring consistency and mutual reinforcement between United Nations-supported development activities and OHCHR country engagement strategies"

and renumber the subsequent subparagraphs accordingly.

or

Replace subparagraph (c) with the following:

"Promoting the practical integration of human rights into development programmes while seeking to achieve, in coordination with those programmes, each within its respective mandate, consistency and mutual reinforcement between United Nations-supported development activities and country engagement strategies jointly agreed by OHCHR and the concerned Member State".

or

In subparagraph (c), delete the words "Promoting the practical integration of human rights into development programmes, as well as".

In subparagraph (d), after the words "humanitarian assistance", delete the words "and to facilitate, where appropriate, the advancement of the practical applications of rights-based approaches to all the aforementioned areas".

In subparagraph (e), replace the words "in particular" with the word "including" and insert the word "all" between the words "protect" and "human rights".

B. Right to development

Objective of the Organization

Replace the objective with the following:

"To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, programmes and funds in accordance with General Assembly resolution 62/161".

or

Replace the objective with the following:

"To advance the full realization of the right to development".

Expected accomplishments of the Secretariat

In expected accomplishment (a), after the word "Further", insert the words "mainstreaming, operationalization and", and after the words "right to development", insert the words "at all levels and improving the effectiveness in this regard, including".

Indicators of achievement

In indicator (a), after the words "Increased number of", insert the words "concrete measures, seminars".

In indicator (b) after the word "activities", insert the word "seminars".

Redesignate indicator (b) as (b) (i) and add a new indicator (b) (ii) reading: "Increased number of advisory services offered and countries participating in technical cooperation relating to the right to development".

Strategy

Paragraph 19.10

At the end of subparagraph (a), add the words "including funds and specialized agencies".

In subparagraph (c), after the words "the right to development" insert the words ", as well as funds and specialized agencies".

At the end of subparagraph (d), add the words "and its periodic evaluation".

In subparagraph (e), delete the words "taking into account a human rights-based approach", and after the words "poverty reduction strategy papers", insert the words ", where they exist".

At the end of subparagraph (g), insert the words "by establishing an effective monitoring and evaluation mechanism".

C. Research and analysis

Objective of the Organization

After the words "of all human rights", insert the words "by increasing knowledge, awareness and understanding of human rights and".

Expected accomplishments of the Secretariat

In expected accomplishment (a), before the words "involuntary disappearances", insert the words "enforced or".

In expected accomplishment (b), replace the words "related intolerance" with the words "new forms of discrimination through the implementation of the outcome of the Durban Review Conference of 2009".

or

At the end of expected accomplishment (b), insert the words "and continued follow-up to the full implementation of the objectives and commitments set out in the Durban Declaration and Programme of Action".

After expected accomplishment (b), insert a new expected accomplishment (c) reading:

"Provision of support for the organization and successful celebration of the Durban Review Conference, including its preparatory process, to be conducted within the framework of the General Assembly in 2009, and support for the implementation of its follow-up".

and redesignate the subsequent expected accomplishments accordingly.

At the end of expected accomplishment (e), insert the words "for all".

Revise expected accomplishment (f) to read:

"Enhanced methodological expertise to implement human rights activities and to provide advice and assistance to Governments, upon their request, and partners within and outside the United Nations system".

Indicators of achievement

In indicator of achievement (b), after the word "measures", insert the words "including seminars, workshops and other activities".

In indicator of achievement (b), replace the words "related intolerance" with the words "new forms of discrimination through the implementation of the outcome of the Durban Review Conference of 2009".

After indicator of achievement (b), insert a new indicator of achievement (c) reading:

"Increased number of measures and resources to support the organization and successful celebration of the Durban Review Conference, including the participation of all the relevant special procedures and mechanisms of the Human Rights Council in the meetings of the Preparatory Committee and the regional preparatory conferences"

and redesignate the subsequent indicators of achievement accordingly.

Strategy

Paragraph 19.11

At the end of subparagraph (a), before the words "involuntary disappearances", insert the words "enforced or".

In subparagraph (a), after the words "democracy and good governance", delete the words "human-rights based approaches to development".

In subparagraph (a), after the words "Millennium Development Goals", delete the words "and poverty reduction strategies; protection of human rights in the context of business activities", and after the words "xenophobia and", insert the words "related intolerance as well as".

In subparagraph (a), after the words "persons belonging to minorities", insert the words "people of African descent".

In subparagraph (b), after the words "policy-oriented analysis", delete the word "monitoring", and after the words "in the areas of human rights", delete the word "protection".

or

In subparagraph (b), after the words "monitoring and assessment methodologies for the implementation of human rights", insert the words "to be presented for the consideration of the Human Rights Council".

Insert a new subparagraph (d) reading:

"Providing effective support for the organization and follow-up of the Durban Review Conference, including its preparatory process, and strengthening the contribution to the implementation of the Durban Declaration and Programme of Action, including by enhancing assistance provided to the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issues of racism, racial discrimination, xenophobia and related intolerance".

Subprogramme 2
Supporting human rights treaty bodies

Objective of the Organization

Replace the words "to advance the promotion and protection of the effective enjoyment by all of all human rights by providing" with the words "to provide".

Expected accomplishments of the Secretariat

Revise expected accomplishment (a) to read: "Timely delivery of required substantive and technical support to treaty bodies".

Indicators of achievement

Revise indicator of achievement (a) (i) to read:

"Increased percentage of documents submitted on time and in compliance with the relevant rules and regulations for the issuance of documentation for consideration by treaty bodies".

Revise indicator of achievement (a) (ii) to read:

"Increased amount of positive feedback received from Member States as a result of the substantive advice provided by the Secretariat to the organs concerned".

In indicator of achievement (b), after the words "Increased number of", insert the words "measures, activities, seminars and workshops to support States parties and".

Strategy

Paragraph 19.12

In subparagraph (b), delete the words "or upon the request of States".

In subparagraph (c), after the words "improvement, rationalization and streamlining of human rights procedures", insert the words "by avoiding the practice of selectivity and the application of a double standard and through the promotion of dialogue and cooperation".

or

Revise subparagraph (c) to read: "Enhancing the effective functioning of human rights treaty bodies".

Insert a new subparagraph (d) reading:

"Assisting human rights treaty bodies in their efforts to make their deliberations and decision-making processes more effective"

and redesignate the subsequent indicators of achievement accordingly.

Subprogramme 3
Advisory services, technical cooperation and field activities

Objective of the Organization

In the objective, replace the words "to advance the promotion and protection of the effective enjoyment by all of all human rights by cooperating" by the words "to cooperate".

or

Replace the objective to read:

"to advance the promotion and protection of the effective enjoyment of all human rights by providing assistance to requesting States in their efforts to strengthen the implementation of international human rights standards, including by supporting national plans and capacity-building".

Expected accomplishments of the Secretariat

In expected accomplishment (b), after the words "full realization of", insert the word "all".

In expected accomplishment (e), replace the words "in accordance with" with the words "within the limits of".

Add a new expected accomplishment (f) reading:

"Entrusting an outside independent party to conduct a detailed impact assessment study on the effectiveness and cost versus benefit of the existing field offices, obstacles faced, accomplishments and recommendations in this regard".

Indicators of achievement

Revise indicator of achievement (a) to read:

"Increased positive feedback from Member States that benefited from OHCHR assistance in the area of legislative reform".

Revise indicator of achievement (c) to read:

"Increased number of institutionalized human rights training and education programmes for relevant actors introduced at the regional, subregional and national levels, with the support of the United Nations human rights programme, including with OHCHR assistance".

In indicator of achievement (d), replace the words "in cooperation with" with the words "of the".

Add a new indicator (f) reading:

"Presentation of the independent impact assessment study together with the comments of OHCHR to the Human Rights Council for its consideration".

Strategy

Paragraph 19.13

In the first sentence of subparagraph (a), after the words "inter alia, by the", insert the word "thematic". In the second sentence, after the words "through joint activities", insert the words "as appropriate".

In subparagraph (b), after the words "the Human Rights Council and other", insert the word "pertinent".

or

Revise subparagraph (b) to read:

"Rapidly deploying human rights special procedures and, where appropriate, fact-finding missions in crisis situations, at the specific request of the Human Rights Council".

In subparagraph (c), in the first sentence, after the words "national level", insert the words "upon request". In the second sentence, after the words "The need to address", insert the words "as appropriate".

or

In subparagraph (c), delete the last sentence.

or

In the last sentence of subparagraph (c), delete the words "including the prompt response to early signs of potential human rights emergencies".

In subparagraph (e), replace the words "addressing human rights gaps" with the words "the appropriate implementation of their respective mandates". Delete the words "country-specific" and at the end of the subparagraph add the words "in accordance with Council resolution 5/2".

Subprogramme 4
Supporting the Human Rights Council, its subsidiary bodies and mechanisms

Rename the subprogramme as follows:

"Supporting United Nations human rights organs, such as the Human Rights Council, including its relevant subsidiary organ mechanisms".

Objective of the Organization

Revise the objective to read:

"to provide, as mandated, substantive and technical support as well as advice to United Nations human rights organs, such as the Human Rights Council and its subsidiary bodies and mechanisms, including the Advisory Committee, the special procedures, the universal periodic review and the complaint procedure".

Expected accomplishments of the Secretariat

Revise expected accomplishment (b) to read:

"Timely and effective assistance to States within the framework of the universal periodic review mechanism".

or

Revise expected accomplishment (b) to read:

"Timely and effective assistance to the universal periodic review process as provided for in Human Rights Council resolution 5/1 and other relevant Council resolutions".

In expected accomplishment (c), replace the word "standards" with the word "instruments" and delete expected accomplishments (d) and (e).

or

Add a new expected accomplishment (f) reading:

"Provision of timely and effective assistance to requesting countries to assist them in the implementation of agreed recommendations of the universal periodic review process, including through the provision of the needed resources to this effect from the relevant universal periodic review trust fund".

Indicators of achievement

At the end of indicator of achievement (a) (i), add the words "in compliance with the relevant rules and regulations on the issuance of documentation".

At the end of indicator of achievement (a) (ii), add the words "as a result of the support provided by the Secretariat".

Delete indicator of achievement (b) (ii) and redesignate indicator (b) (i) as (b).

At the end of indicator of achievement (c), delete the words "including with regard to individual communications", and delete indicators (d) and (e).

or

Add a new indicator (f) reading:

"Number of requesting countries assisted in the implementation of universal periodic review recommendations funded through the relevant universal periodic review trust fund".

Strategy

Paragraph 19.14

In subparagraph (a), after the words "all available", insert the words "in-house", and replace the words "and advice to" with the words "to United Nations human rights organs such as".

Revise subparagraph (b) to read:

"Enhancing the effective functioning of human rights intergovernmental organs, including the Human Rights Council, through coordinated support for the improvement, rationalization and streamlining of human rights procedures in accordance with their mandates and intergovernmental decisions".

Revise subparagraph (c) to read:

"Continuing engagement with Governments, experts, specialized agencies, funds and programmes, national human rights institutions and non-governmental organizations in order to support, as appropriate, the effective functioning of the above-mentioned human rights intergovernmental organs".

or

In subparagraph (c), delete the words "special procedures' findings and recommendations".

or

In subparagraph (c), replace the words "and the universal periodic review outcomes" with the words "approved by the Human Rights Council".

Revise subparagraph (d) to read:

"Strengthening internal research, analytical and educational capability in support of the thematic special procedures and the universal periodic review mechanism with a view to contributing to enhancing, as appropriate, their effectiveness".

Revise subparagraph (e) to read:

"Supporting and providing thematic information and expertise, including through enhanced cooperation with OHCHR geographic desks, to fact-finding missions".

Revise subparagraph (f) to read:

"Disseminating knowledge of the findings, increasing awareness of the work and methodology of the thematic special procedures and the universal periodic review mechanism and improving coordination, where appropriate, among mandate-holders and between them and other mechanisms of the human rights machinery in accordance with their mandates".

In subparagraph (g), delete the words "regional organizations" and replace the words "support to victims of human rights violations" with the words "victims themselves".

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A/C.3/63/3

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Sixty-third session
Item 64 (d)
Promotion and protection of human rights: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Letter dated 7 October 2008 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

Allow me to inform you that Austria hosted an international expert conference on the theme "Global standards — local action" on the occasion of the fifteenth anniversary of the World Conference on Human Rights in Vienna on 28 and 29 August 2008. The conference brought together a broad representation of the global human rights community to assess progress and identify major challenges 15 years after the World Conference.

Experts held open and constructive discussions around issues of implementing international human rights standards at the local level and developed a broad range of suggestions and recommendations. A summary reflecting those recommendations is attached to the present letter (see annex). A fuller report of the conference will be published at a later stage.

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 64 (d).

(*Signed*) Gerhard **Pfanzelter**
Ambassador
Permanent Representative

08-54569 (E) 161008

Annex to the letter dated 7 October 2008 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

Global standards — local action
Fifteenth anniversary of the Vienna World Conference on Human Rights

International expert conference
Vienna Hofburg, 28 and 29 August 2008

Introduction

1. On the occasion of the fifteenth anniversary of the World Conference on Human Rights, held in Vienna in 1993, as well as in commemoration of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights on 10 December 1948, Austria hosted an international expert conference on the theme "Global standards — local action" on 28 and 29 August 2008 in Vienna.

2. The expert conference was organized by the Austrian Federal Ministry for European and International Affairs in cooperation with the Ludwig Boltzmann Institute of Human Rights and the European Training and Research Centre for Human Rights and Democracy. The conference brought together a broad representation of the global human rights community, from national institutions, civil society groups, educational institutions, the United Nations family and regional organizations, as well as human rights experts. The purpose of the conference was to assess progress and to identify major challenges 15 years after the World Conference on Human Rights, in particular regarding the status of implementation of international human rights standards at the local level, as seen from the perspective of local and regional human rights actors.

3. The conference opened with a high-level panel, which included the Acting United Nations High Commissioner for Human Rights. In a message to the conference, the Secretary-General of the United Nations called on all States and all stakeholders to redouble their efforts in order to ensure that human rights are protected and promoted and that all humans enjoy their rights. The conference was also addressed by the President of the United Nations Human Rights Council, Martin Igoeghian Uhomoibhi. In three working groups, the conference addressed in particular the following issues: challenges to national implementation of international human rights standards; human rights education; and the role of United Nations human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the promotion and protection of human rights.

4. A central theme of the conference was the recognition of the major contribution of the World Conference on Human Rights to the strengthening of the international human rights system. It was acknowledged that the Vienna Declaration and Programme of Action has had a significant impact on the development of human rights standards and the institutions for their promotion and protection over the past 15 years, as manifested by the adoption of new instruments and the creation of new mechanisms, such as the appointment of the Special Rapporteur on violence against women and, most importantly, the establishment of OHCHR. The Vienna

Declaration and Programme of Action and the follow-up given to it since 1993 have launched the mainstreaming of human rights throughout the United Nations system.

5. Also today, the Vienna Declaration and Programme of Action stands as a milestone in the reaffirmation of the fundamental principles of the international human rights system:

- Universality of human rights;
- Indivisibility of all human rights;
- Interdependence of democracy, development and respect for human rights;
- Responsibility of all States for the fulfilment of their human rights obligations;
- Protection of human rights as a legitimate concern of the international community;
- The essential role of civil society, which must benefit from an enabling environment for their activities.

6. Overall, it was held that the existing international human rights framework was valuable and functional and should be continuously consolidated, reinforced and universalized. The biggest challenge today remains the implementation gap between international human rights standards and the reality of their implementation on the ground. The conference analysed the causes and underlying reasons for this gap and concluded that a major challenge is to ensure the necessary political will at the national and international levels.

7. The mutually reinforcing character of the technical and political aspects of human rights promotion and protection was noted. There is a need to develop strategies to overcome resistance to deal effectively with human rights violations and deficits, as well as further strengthening efforts to generate a national sense of ownership among all stakeholders. A key element in the promotion and protection of human rights is the enactment and implementation of national legislation as well as the establishment and functioning of national institutions. Human rights education and learning contribute to strengthened respect for human rights

8. In making human rights standards a reality on the ground, international and regional mechanisms should be used in a coordinated manner, and their recommendations should be implemented effectively at the local level. The linkage between human rights, security and development needs to be given practical significance, especially in activities in the field. In this regard, there is a need to continue to professionalize the human rights engagement of all stakeholders through needs and impact assessments as well as the identification of comparative advantages. A strong, independent and well resourced OHCHR is of utmost importance in discharging its primary responsibility for United Nations human rights activities.

9. The conference focused especially on the issues of national implementation, human rights education and learning, and United Nations mechanisms for the promotion and protection of human rights. The main deliberations and recommendations during the conference can be summarized as follows:

1. Challenges to national implementation of international human rights standards

10. Important progress has been made in the process of ratification of international human rights treaties over the past 15 years, although the aim of universal ratification of core human rights treaties remains an unfulfilled objective. Significant progress still needs to be made in order to meet the call of the World Conference upon Governments to withdraw reservations.

11. The World Conference devoted a substantial number of recommendations to the strengthening of national implementation measures and structures. It was pointed out that more than 100 Governments in all regions of the world have responded positively to the call of the World Conference to establish a national human rights institution. However, only half of those institutions were accredited by the International Coordination Committee as having fulfilled all the criteria of the Paris Principles, in particular concerning independence and impartiality from Governments. Many States have enacted national action plans on specific human rights issues, but only few States have so far adopted a comprehensive national action plan on all human rights.

12. States have the primary responsibility for reducing the implementation gap between their obligations under international human rights standards and the realities on the ground. To this effect, States are urged to take the following measures:

(a) Reinforce the national human rights protection framework:

- States should ratify all core international human rights treaties in order to achieve as soon as possible the aim of their universal ratification.
- States should abstain from the adoption of reservations that are incompatible with the objective and purpose of the relevant treaty and regularly review their reservations to human rights treaties with a view to withdrawing them.
- When ratifying international human rights treaties, Parliaments should ensure appropriate transformation of international rights and obligations into domestic law.
- All concluding observations, recommendations and views of international human rights monitoring bodies should be made known to all relevant domestic stakeholders in order that they may be properly implemented.
- On the basis of a thorough assessment of the legal and factual situation of human rights in the country, all States shall develop comprehensive national human rights action plans with precise time-bound targets, benchmarks and indicators.
- Special domestic implementation structures and action plans should be developed for the prevention of torture, for combating racism and for the protection of the human rights of women, migrants, children and persons with disabilities.
- All States should take the universality, indivisibility and interdependence of all human rights seriously and take the necessary action to implement economic, social and cultural rights at the national and local level.

(b) Strengthen national actors in their roles in order to implement international human rights standards:

- In order to guarantee the effective judicial protection of international human rights by domestic courts, States need to ensure that international human rights are duly translated into domestic law and that judges are provided with training and materials on core human rights norms.
- National Parliaments should play an essential role in the national implementation of human rights by enacting the necessary enabling legislation, by providing the necessary budgetary resources and by holding the Government to account. The role of local governments, as the immediate interlocutors with the people, should be taken into consideration when developing concrete measures in this regard.
- All States should establish effective and fully independent national human rights institutions with a broad mandate to implement binding international human rights standards at the domestic level. Such institutions should be established by law, in accordance with the Paris Principles, be independent from Governments and should closely cooperate with civil society, the media, the academic community, non-governmental organizations (NGOs) and Parliaments. Their mandate should include a role in the follow-up to recommendations of United Nations human rights mechanisms. They should go through the accreditation process of the International Coordination Committee in order to have an A status. They should focus on core protection issues in their day-to-day work so as to be credible to NGOs with whom better cooperation is required.
- Civil society, in particular human rights defenders, is at the forefront of the implementation of human rights at the national level and should be adequately involved in all political and legal processes concerning the implementation of human rights obligations. Where national human rights institutions do not live up to their goal of protecting human rights, civil society, and in particular NGOs, should be enabled to play an important role by placing them under scrutiny.
- For civil society to thrive, States have an obligation to create an enabling environment that guarantees the enjoyment of freedom of assembly, association and expression. More protection and support for the work of human rights defenders should be provided, and this protection should take into consideration the specific needs of different groups of human rights defenders, in particular women.

2. Human rights for all: how to spread the message

13. The Vienna Declaration and Programme of Action has placed human rights education on the international agenda. Since the 1993 World Conference on Human Rights and even the 1978 International Congress on the Teaching of Human Rights, both of which took place in Vienna, human rights education has expanded qualitatively and quantitatively in all regions due to the efforts of the United Nations system, civil society and national education institutions. Curriculum development and training activities have expanded remarkably since 2005 as have

national plans in response to the United Nations Decade on Human Rights Education (1995-2004) and the World Programme on Human Rights Education.

14. There is growing awareness of the advantages of human rights education that is pursued in a participatory learning environment and in which the learners develop their own capacity to understand and change their situation at the community level, using a holistic understanding of human rights, as reflected in the concept of "human rights learning" set forth by the General Assembly in its resolution 62/171 on the International Year of Human Rights Learning, and through civil society initiatives and strengthening local action, such as human rights cities.

15. At the same time, Governments have not fully carried out their undertakings under the Vienna Declaration and Programme of Action and the World Programme on Human Rights Education. Furthermore, the allocation of human and financial resources for human rights education at the international and national levels has not kept pace with needs. In some countries, human rights education has been politicized, and Governments have hindered the activities of human rights educators. Sometimes, mutual suspicion or ignorance results in a lack of cooperation on human rights education between Government ministries of education and NGOs.

16. The following priorities have been identified and are addressed to educators, national authorities, civil society organizations, funders, and international agencies. They should be taken up in particular in all activities pursuant to resolution 61/171 on the International Year of Human Rights Learning and the implementation and development of the World Programme on Human Rights Education, as well as through other multi-stakeholder partnerships:

(a) Methodology:

- There is a need to do more to adapt the methodologies to effective human rights education and learning. For this purpose, stakeholders need to support serious empirical research on the effectiveness of different methods and to develop mechanisms to share lessons learned about best practices, such as participant-centred learning, and platforms and networks on human rights education, research and evaluation.

- There is also a need to systemize and institutionalize the training of human rights educators in the national educational system and in community-based settings. Furthermore, public officials and professional associations responsible for the preparation and training of civil servants, police, judges, prosecutors and law enforcement officials should enhance and institutionalize human rights education into the training of these and other professions, such as health and medical practitioners and parliamentarians.

- For this purpose, more learning materials need to be made available in local languages.

(b) Monitoring and dissemination of good practice of human rights education:

- A further need is the creation and implementation of national monitoring and evaluation of human rights education, particularly the assessment of the impact of educational activities.

- Compilations of good practices documented by such research, including some now available or in preparation, should be widely disseminated.

- There is a related need for strengthening existing monitoring of human rights education by United Nations mechanisms, including treaty bodies, special procedures and the universal periodic review.

(c) Mainstreaming of human rights education:

- Intergovernmental organizations should mainstream human rights education in their daily work pursuant to the 2003 "Common understanding among United Nations agencies" and the Action 2 Plan of Action.

- Donors should introduce human rights education into their country engagements and development projects on the basis of local responsibility that generates capacity-building and ownership, including making human rights education activities relevant to local culture and languages.

- Vulnerable and marginalized groups, including persons with disabilities, migrants, minorities, prisoners, especially foreign prisoners, require special attention in human rights education, and human rights-based approaches should be used in conflict resolution, in particular in the courts.

(d) Role of the media and the use of modern technologies:

- The media are essential to effective human rights education. Human rights educators should make more use of films, especially documentaries, as a means of showing the relevance of human rights to the daily lives of the learning community. Better use should be made of new technologies, such as the creation of a virtual human rights education academy.

(e) Standard setting:

- There is a need for standards in order to formalize the obligations of States and other actors in order to create an environment conducive to human rights education and to provide adequate human and financial resources to the national education system. The current process of drafting a United Nations declaration on human rights education and training provides an opportunity for a joint effort of all stakeholders to reflect a holistic approach to human rights education and learning and to include appropriate monitoring and evaluation.

3. The role of United Nations human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights

17. Over past decades, and since the adoption of the Vienna Declaration and Programme of Action 15 years ago, a variety of human rights mechanisms, instruments and institutions have been developed within the United Nations system: Special Procedures of the Human Rights Council and treaty bodies provide Governments with important advice and guidance as to the further improvement of their human rights protection systems. The new universal periodic review mechanism of the Human Rights Council has the potential to be an important new instrument for promoting and protecting human rights worldwide. OHCHR has become an important, worldwide human rights actor with field activities in numerous countries. The full use of its role in promoting and protecting human

rights and preventing human rights violations is a paramount condition for a successful engagement of OHCHR and the United Nations system as a whole on the ground.

18. This comprehensive and still growing human rights "toolbox" is available for the use of international, national and local stakeholders in the promotion and protection of human rights. In order to meet their primary responsibilities in the field of human rights, States are encouraged to make maximum use of those instruments. An important element for the functioning and effectiveness of this toolbox is the cooperation of States with these United Nations mechanisms and institutions.

19. The diversity of the international human rights protection system requires close coordination and cooperation within the United Nations system as well as among international, regional and national stakeholders active in the field of human rights. There is a strong sense that the existing human rights mechanisms at the international level need to be not only retained and maintained but also strengthened and consolidated in order to enhance their impact on the realization and implementation of international human rights standards at the local level. To this end, the following measures are recommended:

(a) Generate full cooperation of states with United Nations human rights mechanisms:

- All States should ratify core human rights treaties, accept individual complaint procedures and offer standing invitations for special procedures.
- States should implement recommendations of human rights mechanisms in an institutionalized and effective manner.
- All stakeholders should make full use of the universal periodic review in order to optimize its potential as a non-selective and universally applicable human rights instrument. Further efforts should be made to ensure that the universal periodic review is complementary to the work of other human rights mechanisms, in particular the treaty bodies, and becomes an effective instrument of the Human Rights Council.
- In order to enhance the effectiveness of United Nations human rights mechanisms and increase the cooperation of States at all levels, a stronger link between technical cooperation and State cooperation should be established.
- A system for addressing non-cooperation should be envisaged by the Human Rights Council. As a last resort, use of the provision of General Assembly resolution 60/251 concerning the suspension of membership in the Human Rights Council should be considered.

(b) Increase the impact of the work of United Nations human rights mechanisms:

- Treaty bodies are called upon to make further progress in the harmonization of their working methods and procedures. This should be high on the agenda of the next inter-committee meeting.
- Special procedures and treaty bodies should institutionalize the sharing of information and expertise through regular briefings and common workplans.

- Treaty bodies and special procedures are encouraged to make recommendations more implementable by formulating them to be action-oriented and less abstract as well as clearly identifying their recipients.

- Treaty bodies and special procedures are encouraged to enhance the effectiveness of their recommendations by bringing them closer to the people through, inter alia, the use of modern technologies and the direct transmittal of recommendations to various actors in the country concerned.

- Close engagement of United Nations human rights mechanisms with national stakeholders, such as parliament, judges, national human rights institutions and NGOs, should be encouraged.

- States are called upon to translate recommendations into local languages in order to promote awareness and ownership.

- States are called upon to ensure the highest quality and independence in membership of treaty bodies and in the context of the nomination and election/appointment of special procedures.

(c) Enhance the impact of the work of OHCHR and the United Nations country team:

- In order to increase the effectiveness of OHCHR and United Nations field activities in the area of human rights, an ongoing needs assessment on field engagement should be undertaken in order to adapt to the evolving situation on the ground. This should also include the incorporation of exit strategies in engagement planning in the field.

- OHCHR should work for greater awareness about its mandate and functions, including its monitoring role (diagnostic evaluation of a human rights situation) among all stakeholders, in particular States.

- The Secretary-General should consider strengthening the existing mandate of United Nations country teams and resident coordinators in the promotion and protection of human rights.

- In order to strengthen the mainstreaming of human rights into the activities of United Nations country teams, OHCHR is called upon to provide tailor-made human rights training packages to the teams and resident coordinators. Moreover, human rights officers in the field should regularly compile relevant recommendations of human rights mechanisms with a view to developing implementation strategies.

- Close engagement of the United Nations country teams and OHCHR field offices with national stakeholders, such as parliaments, judges, national human rights institutions and NGOs, should be encouraged.

(d) Link the United Nations system to regional mechanisms:

- The cooperation between United Nations human rights mechanisms and those at the regional level should be enhanced in order to ensure better coordination on issues of mutual concern and to maximize synergies.

- There should be regular meetings between United Nations mechanisms and regional mechanisms in order to exchange information and share best practices in the field of human rights.

- Close engagement of regional mechanisms with national stakeholders should be encouraged.

- It should be ensured that the recommendations of regional mechanisms are duly considered in the universal periodic review process; the participation of representatives of regional mechanisms therein should be considered.

(e) Strengthen partnership between the United Nations system and civil society:

- OHCHR should develop a strategy for an institutionalized engagement of United Nations human rights mechanisms and its field presences with national actors on the ground.

- OHCHR and United Nations country teams are encouraged to facilitate the participation of national stakeholders in United Nations human rights procedures, such as treaty reporting and the Universal Periodic Review, and thereby to generate additional local ownership for follow-up.

- The monitoring capacity of local actors should be enhanced as part of OHCHR country engagement.

(f) Enhance institutional capacity:

- States are called upon to increase resources for OHCHR as the main United Nations entity responsible for the promotion and protection of human rights. Those resources should be used to further improve the servicing of treaty bodies and special procedures as well as to consolidate OHCHR field activities.

- A stronger engagement of the United Nations Security Council would generate additional political support to advance the United Nations human rights agenda. This could be facilitated through regular briefings to the Security Council by the High Commissioner for Human Rights, the integration of relevant OHCHR reports into reports from the Secretary-General to the Security Council and the strengthening of OHCHR representation in New York.

- In view of the need to further strengthen the system of promotion and protection of human rights, the establishment of a World Court on Human Rights should be considered. Also, a unified body for individual complaints procedures under human rights treaties could be envisaged.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 17 October 2008 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum on the situation of human rights in the Union of Myanmar (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 64 (c).

(*Signed*) Kyaw Tint **Swe**
Permanent Representative

08-55975 (E) 281008

Annex to the letter dated 17 October 2008 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the situation of human rights in the Union of Myanmar

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I. Introduction

1. The General Assembly on 22 December 2007 adopted resolution 62/222, "Situation of human rights in Myanmar". The country-specific resolution was initiated by the European Union, which, over the years, has been putting forward similar resolutions on Myanmar. The clear intention of the sponsors is to interfere in the domestic political process in Myanmar under the pretext of human rights.

2. Myanmar's foreign policy is predicated on the five principles of peaceful coexistence. Myanmar has close and cordial relations with all its immediate neighbours and countries beyond. Moreover, it has made significant strides in its national reconciliation and economic development endeavours. It does not pose a threat to either regional or international peace and security. This has been attested to by all its immediate neighbours and countries in the region. The fact that Myanmar poses no threat to regional peace and security is also the considered opinion of the Non-Aligned Movement, which constitutes a clear majority of the membership of the United Nations. Notwithstanding this, the United States and the United Kingdom put forward a draft resolution in the Security Council in September 2006 alleging that the situation in Myanmar posed a potential threat to international peace and security. This view was challenged by a significant number of the members of the Security Council, including two permanent members. Accordingly, the draft resolution failed to carry.

3. These attempts clearly demonstrate the political pressure tactics used by a group of Western countries with the intention of channelling the political process in Myanmar in the direction of their own choosing.

4. The Human Rights Council has been established to eliminate double standards and politicization of human rights issues. A universal periodic review process has also been instituted in this regard. With the establishment of the Human Rights Council, the most appropriate forum for the consideration of human rights issues is the Human Rights Council.

5. Human rights in a given country can best be promoted through understanding and cooperation, rather than through country-specific resolutions that are confrontational and prescriptive.

II. Brief political background of Myanmar

6. Myanmar is a multi-ethnic and multireligious society. It is home to eight major ethnic groups comprising over 100 ethnic nationalities. They have always lived in weal and woe throughout history. It was only with the advent of the "divide and rule" policy of the colonialists that the seeds of discord were sown among them. This resulted in insurgency which took a heavy toll on the country. The challenges facing Myanmar are delicate and complex, and it would be a grave mistake to conclude that they can be overcome overnight.

7. In 1988, the Government replaced the socialist system and the centrally planned economy with a multiparty system and a market-oriented economy. It initiated reforms and has been making untiring efforts to maintain peace and stability and promote economic and social development.

8. National unity is vital for political, economic and social progress in Myanmar. Accordingly, the Government has been promoting it. Peace overtures to armed groups have resulted in the return to the legal fold of 17 out of 18 armed insurgent groups. They are now cooperating with the Government in regional development programmes. The Government has not shut the door on peace talks with the remaining armed group, the Kayin National Union (KNU).

9. With the return of peace and stability, the Government is now focusing on the political, economic and social development of the country, particularly in the far-flung border areas, which lagged behind the heartland. Most importantly, Myanmar has been progressing on its seven-step road map for transition to democracy. Preparations are well under way for the fifth step, the holding of general elections in 2010.

III. Recent developments in Myanmar

A. Relief and rehabilitation in the aftermath of cyclone Nargis

10. On 2 and 3 May 2008, one week before the people of Myanmar were scheduled to cast their votes in the national referendum on a new State Constitution, the devastating cyclone Nargis slammed into the Ayeyarwady Delta. It was the worst natural disaster in the recorded history of Myanmar, and left unprecedented death and destruction in its wake.

11. The Government and people of Myanmar responded expeditiously to the emergency. The National Disaster Preparedness Control Committee (NDPCC), set up in 2004 following the tsunami that struck the region and chaired by the Prime Minister, immediately went into action. The NDPCC convened a meeting on 3 May 2008 and released 50 billion kyats for emergency relief and recovery activities. Within days, 419 relief camps were set up and 380,592 victims provided shelter. By mid-July, over 87 billion kyats was expended by the Government in the cyclone relief and rehabilitation activities. The outpouring of sympathy and the response of the Myanmar nation, the Government, the armed forces, civil society, private enterprises and individuals were overwhelming. Immediately after the onslaught of the cyclone, the Government mobilized all the resources at its disposal.

12. Over 2,000 medical doctors and nurses were dispatched to the affected areas. Four hospital ships were also deployed in the delta region. These national efforts were complemented by the civilian medical teams from ASEAN countries, Bangladesh, Belgium, China, France, Hungary, India, Japan, the Republic of Korea and Sri Lanka.

13. From the very beginning, Myanmar recognized the magnitude of the challenge it faced. As early as 5 May, it called on the United Nations to provide emergency assistance from the Central Emergency Response Fund (CERF). On 9 May 2008, the United Nations launched a flash appeal to the international community. Even prior to this, Myanmar opened its doors and received the entry of international assistance and aid sent by land, air and sea.

14. An international pledging conference was organized in Yangon jointly by the Myanmar Government, ASEAN and the United Nations on 25 May. The United Nations Secretary-General Mr. Ban Ki-moon himself visited Myanmar from 22 to 23 May. On 22 May, he toured cyclone-hit areas and observed first-hand the relief

and rehabilitation activities. It is noteworthy that, in his address to the pledging conference on 25 May, he stated: "The people of the country have shown extraordinary courage and resilience in trying to save their fellowmen and to rekindle the hope shattered as a result of this cruel blow. From all I have seen, the Government, with the help of the international community, has put in place a functioning relief programme". Prime Minister General Thein Sein, in his statement, stressed that Myanmar was ready to welcome assistance from any quarter provided it was given with genuine goodwill and had no strings attached.

15. Following the conference, a tripartite core group (TCG), comprising high-level representatives of the Government of Myanmar, ASEAN and the United Nations, was established on 30 May 2008 to coordinate relief efforts and to conduct a post-cyclone joint assessment (PONJA). TCG came up with a report that describes at length the extent of the destruction caused by the cyclone, its impact on the affected regions and the scope and scale of the humanitarian assistance that would be needed in the medium and long term.

16. The PONJA report acknowledges the prompt and systematic response of the Government and people of Myanmar to the disaster. The following are salient statistics from the report:

- 84,537 people were killed, 19,359 injured and 53,836 reported missing;
- Due to the cyclone and the resulting storm surge, 450,000 houses were totally destroyed and 350,000 damaged;
- The damage and cost incurred is on a scale similar to that felt in Indonesia due to the tsunami in 2004, particularly at the household and community level;
- 75 per cent of health facilities in the affected areas were destroyed or severely damaged;
- Around 4,000 schools were destroyed;
- The cyclone and the storm surge wiped out the livelihoods of families overnight; 600,000 hectares of agricultural land were flooded; up to 50 per cent of draft animals were killed; fishing boats were destroyed; food stocks and farming implements were swept away;
- Recovery needs for the next three years is estimated to be over US$ 1 billion. The most urgent need is for food, agriculture, housing, basic services and support to communities for restoring their livelihoods and rebuilding assets.

17. The TCG press release issued on 30 September 2008, highlights, inter alia, the following:

- Nearly five months into the post-disaster response in Myanmar, more than 33,000 metric tons of food has reached over 733,000 people affected by the cyclone;
- There has been successful prevention of outbreaks of waterborne diseases, dengue haemorrhagic fever as well as other vector-borne diseases in the cyclone-affected areas;
- The needs of the victims of cyclone Nargis are still great. Increased and committed financial support is necessary in order to continue assistance to the cyclone survivors;

- Almost 50 per cent of the requirements in the revised United Nations Flash Appeal remain unfunded. According to the OCHA Financial Tracking Services, total contribution now stands at US$ 240 million out of the US$ 482 million required. Agriculture and early recovery continue to be the least funded sectors;

- TCG continues to foster cooperation and serve as a mechanism to resolve issues concerning efficient aid delivery. Currently, 1,676 visas have been issued and 2,036 group travel authorizations have been provided;

- The Government of Myanmar appreciates the support by the international community and welcomes the continued operations;

- TCG will undertake periodic reviews to regularly assess progress in the humanitarian effort. The first review is planned for November 2008, with the presentation of the outcome in mid-December. A unique partnership among the Government of Myanmar, ASEAN and the United Nations continues in all these efforts.

18. Immediately after the storm, relief camps were set up in Yangon and Ayeyarwady Divisions. Emergency assistance, including food, shelter and medicine were provided to the victims. As soon as the situation improved, arrangements were made for those who wished to return to their villages or new settlements to do so. To ensure that the process is voluntary, the Government laid down following criteria:

- Return to their place of origin or to a new settlement must be of their own volition;

- Existence of adequate housing;

- The returning household members must be in good health.

The criteria were faithfully implemented.

19. The pain and grief felt by the survivors of the devastating storm continues even today. There is, however, a silver lining in the dark clouds. The Myanmar nation was united in its response to the emergency. The outpouring of generosity was overwhelming. People from all walks of life donated cash and kind to the victims. The ASEAN member States, the United Nations, donor countries, NGOs and individuals from around the world also responded generously. We have been able to demonstrate the willingness and ability to work in concert with the international community. We have been able to rebuild better and stronger homes, schools and monasteries. The paddy fields destroyed by the storm have been completely replanted.

B. Adoption of the new State Constitution

20. Even while tackling the challenge posed by cyclone Nargis, the Government did not renege on its promise to hold the national referendum on the draft new State Constitution on 10 May 2008 to ensure that the seven-step political road map would proceed without fail. This is accomplished without affecting the prompt delivery of humanitarian assistance to the victims of cyclone Nargis. The prompt and effective assistance provided by the Government is attested to by the reports of the United Nations agencies, the Tripartite Core Group (the Government, the United Nations,

and ASEAN) and the international NGOs operating in Myanmar. With the exception of the 7 townships in the Yangon Division and the 40 townships in the Ayeyarwady Division affected by the storm, a nationwide referendum was held in 278 townships on 10 May. The referendum in the remaining 47 townships followed suit on 24 May. The referendum was conducted in a free and fair manner. Members of the diplomatic corps and military attaches in Myanmar observed the referendum first-hand at polling stations in various parts of the country.

21. The Commission for the Convening of the National Referendum announced the voting results on 26 May 2008 as follows:

- The total population of Myanmar — 57,504,368;
- Number of eligible voters — 27,288,827;
- Number of votes cast — 26,776,675;
- The overall voter turn-out — 98.12 per cent;
- Votes in favour — 24,764,124.

92.48 per cent of the total eligible voters voted in favour of the draft Constitution.

22. In approving the new State Constitution through a nationwide referendum, the people of Myanmar have expressed their will by an overwhelming majority.

IV. Cooperation with the United Nations

23. Cooperation with the United Nations is a cornerstone of Myanmar's foreign policy. In this spirit, Myanmar has consistently cooperated with the United Nations in various fields, including in the area of human rights. Myanmar provides necessary information and responds to communications sought by the United Nations bodies. It also submits reports to the relevant United Nations treaty bodies.

24. Myanmar's desire to cooperate with the United Nations is further demonstrated by the visits of senior United Nations officials to Myanmar. The then special envoy of the Secretary-General, Mr. Razali Ismail, visited Myanmar on 14 occasions and the previous Special Rapporteur, Professor Paulo Sergio Pinheiro, on 7 occasions during his tenure.

25. Visits to Myanmar by senior United Nations officials include those of Mr. Kul C. Gautam, Deputy Executive Director of UNICEF, in August 2006; Ms. Margareta Wahlström, Assistant Secretary-General of the Office for the Coordinator for Humanitarian Affairs and Deputy Humanitarian Coordinator, in April 2007; Ms. Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict, in June 2007; Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, in May 2008; Secretary-General Mr. Ban Ki-moon, in May 2008; and Mr. Tomás Ojea Quintana, the Special Rapporteur on the situation of human rights in Myanmar, in August 2008.

26. Under-Secretary-General Ibrahim Gambari has visited Myanmar six times. During his visit to the country from 29 September to 2 October 2007, he called on the Chairman of the State Peace and Development Council, Senior General Than Shwe. He also had the opportunity to meet with the Secretary-1 of the State Peace

and Development Council, who was also the Acting Prime Minister at that time. During the visit, he also met twice with Daw Aung San Suu Kyi.

27. Most recently, Under-Secretary-General Gambari was in Myanmar from 18 to 23 August 2008, on his sixth trip. The Government extended full cooperation to Mr. Gambari. He not only had the opportunity to meet with senior Government officials but also with those from the political, social and economic spheres. He witnessed first-hand the rehabilitation activities in Kungyankon, in the Ayeyarwady Delta, which was among the areas severely affected by the cyclone.

28. Under-Secretary-General Gambari also met with the Prime Minister, General Thein Sein. The issues he raised with the Myanmar authorities were given positive consideration. In response to his request for the release of prisoners on humanitarian grounds, 9,002 prisoners were granted amnesty on 23 September 2008.

29. Notwithstanding the efforts of the Myanmar authorities to arrange a meeting between Mr. Gambari and Daw Aung San Suu Kyi, the meeting failed to take place owing to her refusal to meet him. More recently, a proposal for a meeting between the Minister for Relations U Aung Kyi and Daw Aung San Suu Kyi was made by the authorities through her attorney. The Government, in accordance with its policy of national reconciliation, continues to keep the door open for a dialogue with her.

V. Combating illegal narcotic drugs

30. Myanmar has been waging a war against illicit narcotic drugs for decades. A comprehensive 15-year National Plan was put in place in 1999. National efforts against the illicit drug problem are based on two strategies; firstly, to strive for the eradication of narcotic drugs as a national task, and, secondly, to strive for total eradication of poppy cultivation through the promotion of living standards of all the national races residing in the border areas. These strategies are buttressed by strengthened legislation coupled with effective enforcement measures.

31. Numerous development projects have been carried out since 1992 to promote the living standards of the national races residing in the border areas. Alternative livelihood has been provided to farmers to encourage them to end their dependence on opium poppy cultivation. The "New Destiny Project" launched in April 2002 was designed to promote such activities and to provide support to poppy growers as they turn to alternative cash crops.

32. As a result of Myanmar's anti-narcotic endeavours, poppy cultivation decreased by 82.5 per cent between 1997 and 2007. Moreover, we have been able to declare drug-free zones in the Mongla, Kokang and Wa regions.

33. At the regional level, Myanmar is working together with the other members of ASEAN to reach its common goal of making the region free from drugs by 2015. Myanmar has signed an MOU with six countries for the creation of a Greater Mekong Sub-region drug-free zone. Myanmar aims to rid the country of narcotic drugs by 2014, one year ahead of the date set by ASEAN.

34. Myanmar's national efforts in combating the drug problem were carried out with little or no external assistance. These sincere efforts have not received the full acknowledgement and support that they deserve.

VI. Promotion and protection of human rights

35. Myanmar believes that the promotion and protection of human rights should be conducted in conformity with the purposes and principles of the Charter and international law. Human rights issues must be addressed with objectivity, respect for national sovereignty and territorial integrity and non-interference in the internal affairs of States. There should be no double standards or politicization of human rights issues.

36. Promotion and protection of human rights must be addressed in a global context through a constructive, dialogue-based and non-confrontational approach. It is only cooperation, rather than politicization of human rights, that can bring about improvements in human rights situations around the world.

37. Like other developing countries, Myanmar accords priority to the right to development. It has been striving for the all-round development of the country, paying attention to closing the gap between urban centres and rural areas, including the border areas where the majority of our ethnic nationalities reside.

38. Myanmar strongly supports the position of the Non-Aligned Movement, which opposes and condemns selectivity and double standards in the promotion and protection of human rights and the exploitation of human rights as pretext for political purposes.

39. Myanmar has long been a victim of a systematic disinformation campaign launched by anti-government elements, generously funded by their foreign supporters. The egregious allegations of human rights violations which invariably emanate from anti-government elements have found their way into the United Nations reports. Thus, there is a need to verify all information before it is judged fit for inclusion in official reports.

VII. Allegations regarding internally displaced persons

40. The vast majority of the so-called refugees on the Myanmar-Thai border are illegal economic migrants — a view shared by both Myanmar and its eastern neighbour. The rest are insurgents and their families, who seek temporary refuge in order to carry out cross-border terrorist acts.

41. The return of 17 armed groups to the legal fold has led to the restoration of peace and stability in the country, including in the border areas where the insurgents used to operate. This has effectively ended armed conflict situation in the country. Only the Kayin National Union (KNU) and the remnants of the former narco-trafficking armed groups are still fighting the Government. Counter-insurgency campaigns are restricted to a few localities and conducted only against those who are engaged in acts of terrorism. The operations are to protect the life and property of peace-loving citizens. Such limited action in a few localities can in no way result in situations leading to a humanitarian crisis. It should be noted that the insurgents force villagers to abandon hearth and home and to flee across the border.

42. The issue of cross-border movement of peoples between Myanmar and Bangladesh is a bilateral issue which was resolved a long time ago between the two friendly neighbours in an amicable manner. Since 1992, over 230,000 returnees have been accepted by the Myanmar authorities under safe and voluntary conditions with

the cooperation of UNHCR. This is an excellent example of resolving amicably bilateral issues between two neighbouring countries.

VIII. Child soldiers

43. Child protection is part and parcel of our culture and tradition. It has been our practice even before it was put into international legal instruments. This fact should be borne in mind when the situation of child soldiers is considered.

44. With the return to the legal fold of 17 out of 18 armed insurgent groups, peace and stability prevails in almost all corners of the country. Under no circumstances can Myanmar be considered to be in a situation of armed conflict.

45. The Myanmar Armed Forces, including Tatmadaw (kyi), is an all-volunteer army and those who join the military service do so of their own free will. Under the relevant Myanmar Defence Services and War Office Council instructions, a person cannot be enlisted in the armed forces until he has attained the age of 18. Forced conscription in any form is strictly prohibited. A new Directorate has also been established to oversee strict adherence to the orders, regulations and directives in the recruitment process. The Committee for the Prevention of Military Recruitment of Underage Children has also been established since 5 January 2004 to prevent recruitment of underage children as soldiers, to protect the interests of underage children and to ensure faithful adherence to the orders and instructions for the protection of underage children. To realize its objectives, the Committee has adopted a Plan of Action to strictly scrutinize that children under 18 years of age are not recruited into the armed forces. The plan includes comprehensive measures such as recruitment procedures, procedures for discharge from military service, reintegration into society, public awareness measures, submission of recommendations and consultation and cooperation with international organizations, including UNICEF and the United Nations Resident Coordinator's Office. The Committee has also set up a task force composed of the relevant line ministries such as the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Labour and the Ministry of Social Welfare, Relief and Resettlement to systematically supervise implementation of the Plan of Action.

46. In order to raise awareness among those who are involved in the recruitment process, officers of the Office of the Adjutant-General and the Office of the Judge Advocate General conduct talks on the protection and promotion of child rights and the directives and regulations governing the recruitment process. UNICEF has also been invited to conduct lectures on the protection and promotion of child rights. New recruits found to be underage at recruitment centres or training bases are discharged and entrusted with their parents or guardians. Punitive action is taken against recruiters who contravene regulations. The Government has been providing detailed information regarding the progress of its awareness-raising activities, the number and specific particulars of the underage children discharged from the military and other pertinent data to the Special Representative of the Secretary-General for Children and Armed Conflict. The information has also been provided to the resident representatives of UNDP and UNICEF, who have from time to time had occasion to visit recruitment centres to witness first-hand the recruiting process.

47. At the invitation of the Government, the Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswami,

visited Myanmar from 25 to 29 June 2007. She met with the Acting Prime Minister and Secretary-1 of the State Peace and Development Council, who is also the Chairman of the Committee for the Prevention of Military Recruitment of Underage Children. The strong political will to resolve the issue of underage recruitment was demonstrated during the meeting. In addition to meeting with the Ministers, the Special Representative had the opportunity to hold an interactive meeting with the members of the Committee for the Prevention of Military Recruitment of Underage Children. The meeting resulted in an agreement to develop an action plan, in line with international standards, in close cooperation with the United Nations country team, in particular with UNICEF. The Special Representative also visited a recruitment centre in Mandalay.

48. A series of follow-up measures have been taken after the visit of the Special Representative. At her request, an additional focal point for Security Council resolution 1612 (2005) was also established and the Director-General of the International Organizations and Economic Department of the Ministry of Foreign Affairs was designated for that purpose. A working group headed by the Director-General was formed in September 2007 to facilitate the establishment of the monitoring and reporting mechanism.

49. As a result of the Government's strict scrutiny, over 1,000 underage persons were rejected at the recruitment stage between February 2007 and May 2008. Disciplinary action has also been taken against military personnel who failed to strictly abide by the recruitment criteria.

50. The Government, in cooperation with UNICEF, has conducted a number of workshops and seminars to educate military and police personnel, staff members of relevant government ministries and the general public. Four workshops and seminars were held in 2007, in which the World Vision and Save the Children organizations took an active part. The seminars were followed by a number of multiplier courses in Yangon, Mandalay, Ayeyarwady, and Sagaing Divisions as well as the Shan, Mon and Kachin states. Between 1 February and 30 June 2008, over 107,000 military personnel and their spouses attended the multiplier courses. Awareness-raising campaigns are being intensified to educate the general public on the issue of child soldiers.

51. It is heartening to note that the six armed groups that have come back to the legal fold, namely, the Democratic Karen Buddhist Army (DKBA), Kachin Independence Organization (KIO/KIA) Karenni National People's Liberation Front (KNPLF), the Myanmar National Democratic Alliance Party, Karen National Union-Karen National Liberation Army (KNU-KNLA) Peace Council and the United Wa State Army (UWSA) have openly committed themselves not to recruit child soldiers.

52. On the issue of child soldiers, the need for the United Nations entities to strictly abide by Security Council resolution 1612 (2005) cannot be overemphasized, particularly, the provisions on the establishment of dialogue under the framework of monitoring and reporting mechanism by United Nations entities with non-State armed groups. Resolution 1612 (2005) provides that this mechanism must operate with the participation and in cooperation with the national Government.

53. The United Nations country team in Myanmar has been supportive of Myanmar's endeavours to prevent the recruitment of underage children into the military. We will continue our cooperation with the United Nations country team. We will also continue to cooperate with Under-Secretary-General, Ms. Radhika Coomaraswami, Special Representative of the Secretary-General for Children and Armed Conflict.

IX. Trafficking in persons

54. Myanmar has made considerable progress in the fight against human trafficking both at the national level and in the regional context. The Government has carried out awareness-raising campaigns and has instituted effective law enforcement measures. The Penal Code, which provides legal provisions for heavy penalty against perpetrators, has been strengthened by the Anti-Human Trafficking Law enacted in September 2005. As required by the Law, the Central Body for the Prevention and Suppression of Human Trafficking has been established under the chairmanship of the Minister for Home Affairs. Under the Central Body, the following working groups are actively engaging in their assigned tasks: (1) the Working Group on the Prevention of Trafficking in Persons and the Protection of Trafficked Victims; (2) the Working Group on the Legal Framework and Prosecution Measures; and (3) the Working Group on the Repatriation, Reintegration and Rehabilitation of Trafficked Victims.

55. Moreover, nationwide preventive and supportive activities, capacity-building of its volunteers and educational talks on the subject of human trafficking are conducted extensively by national NGOs. The Myanmar Women's Affairs Federation is also actively engaged in taking measures to prevent trafficking of persons for sexual exploitation.

56. Myanmar believes that trafficking in persons is a serious transnational issue and that the elimination of this threat can be achieved only through a coordinated and collective response of all countries concerned. Accordingly, Myanmar has been actively participating in the Bali process. An agreement was signed in Yangon in October 2004 to strengthen multisectoral response in the Greater Mekong Subregion (GMS) through the Coordinated Mekong Ministerial Initiative (COMMIT). A Plan of Action to fight human trafficking was also adopted in Hanoi in 2005 as a follow-up.

57. In March 2004, Myanmar acceded to the United Nations Convention against Transnational Organized Crime and two supplementary protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. These developments further demonstrate Myanmar's commitment to combat human trafficking in keeping with the United Nations Convention against Transnational Organized Crime. Progress has been made in our efforts to sign bilateral MOUs with China and Thailand on the prevention of human trafficking. These MOUs are expected to be signed in the near future.

X. Violence against women

58. Myanmar tradition, culture and values serve to protect women and girls from human rights abuses, including sexual and gender-based violence. Myanmar categorically rejects the unfounded allegations of sexual violence levelled against its armed forces. The Myanmar military has been falsely accused of gang rape based on fallacious reports issued by the expatriate Shan Women's Action Network (SWAN), the Shan Human Rights Foundation (SHRF) and Kareni Human Rights Group (KHRG). It should be noted that in 2002, the United States State Department's country report on Myanmar identified both SHRF and KHRG as organizations which have associations with insurgent armed groups. When one of the founding members of SWAN was in Washington, D.C., the news media correctly identified her as the daughter of a commander of the Shan State Army (SSA). The SSA is an insurgent armed group and the United States State Department's country report 2002 stated that the Shan State Army-South (SSA) "committed human rights abuses including killing, rapes, forced labour, and conscription of child soldiers". The allegations levelled at the Myanmar military come from these groups associated with the insurgents.

59. Rape, let alone gang rape, is regarded by the Myanmar people and Government as a most dastardly and abhorrent crime. When such a crime is committed, the Government ensures that the full force of law is applied against the perpetrators. Three separate investigations regarding these allegations have been carried out by authorities and organizations concerned, including the Myanmar Women's Affairs Federation. In genuine cases, perpetrators were prosecuted and sentenced in accordance with the law.

XI. Allegations of forced labour

60. Myanmar and the ILO have enjoyed good and cooperative relations since Myanmar joined the organization in 1948. After four decades of Myanmar's membership, its traditional practice of contributing labour for community development activities was seen in a negative light and brought before the ILO. The anti-government groups in the disguise of free trade unions exploited the labour issue to pursue their political agenda to bring the issue to the ILO. This eventually led to the filing of complaints by the workers group in June 1996 against Myanmar for the alleged non-observance of ILO Convention 29 (Forced Labour Convention of 1930).

61. Myanmar had shown its cooperation with ILO by inviting the ILO Technical Cooperation Mission to Myanmar four times during 2001-2002. The Myanmar Government fully cooperated with the ILO Liaison Officer a.i. in dealing with the complaints relating to the requisition of forced labour.

62. Myanmar also received the visit of a very High-Level Team from the ILO (vHLT) in February 2005. Despite those positive steps taken by the Government of Myanmar, the 93rd International Labour Conference held in June 2005 reactivated the punitive resolution adopted at its 88th session. Notwithstanding the negative measures taken by ILO, Myanmar has shown its firm commitment to the eradication of forced labour in the country and explored every avenue for how to cooperate with

the ILO in a mutually constructive manner in the time and space available to Myanmar.

63. Subsequently Myanmar and the ILO continued their discussion for the establishment of a mechanism to handle cases of alleged forced labour. A senior-level ILO mission visited Myanmar in October 2006 to continue negotiations on the issue. On 26 February 2007, the Myanmar Government and the ILO reached agreement on the establishment of a mechanism to address forced labour. The agreement has been implemented to the mutual satisfaction of the Government and the ILO.

64. The mechanism to deal with forced labour complaints is now fully operational. It assists the Myanmar Government in its efforts to eliminate forced labour in the country. Complaints received and forwarded by the ILO Liaison Officer have been expeditiously investigated by the Myanmar authorities. Legal action has been taken against perpetrators. At the same time, the Government is cooperating with the ILO Liaison Officer to carry out his mandate. We are fully convinced that the progress achieved in this mechanism will eventually lead to the achievement of the goal of the eradication of forced labour in the country. After one year of its implementation, the Supplementary Understanding has now been extended for another year. Pursuant to the recommendation made by the 301st ILO Governing Body Meeting, the text of the Supplementary Understanding has been translated into the Myanmar language and posted on the website of the Ministry of Labour in the interests of the general public.

65. The progress achieved is reflected in the report of the Secretary-General on the situation of human rights in Myanmar to the sixty-third session of the General Assembly.

XII. Religious tolerance

66. Although Buddhism is the religion of the majority of the people, other religions, such as Christianity, Islam and Hinduism, coexist and flourish in Myanmar. Buddhism is based on tolerance and *metta* (loving kindness). The Government encourages and maintains interreligious harmony, and freedom of worship is guaranteed by law and in practice. In major cities, pagodas, churches, mosques and Hindu temples can be seen side by side, testifying to the religious harmony and tolerance in Myanmar. Madame Sadako Ogata, following her visit to the country as an independent expert of the Commission on Human Rights, cited Myanmar as a "model society" for religious tolerance. Allegations of religious intolerance in Myanmar are groundless and are politically motivated.

XIII. Economic and social development

67. The Government is striving to lay a firm foundation for political, economic and social infrastructure for a future democratic State. It has devoted significant resources in such sectors as health, education and transportation. With a view to narrowing the gap between rural and urban areas, the Government has been implementing the three National Development Programmes, namely (i) the Border Areas Development Programme; (ii) the Plan for 24 Special Development Zones;

and (iii) the Integrated Rural Development Plan. This has resulted in notable progress in various sectors.

68. Myanmar has the potential to contribute to energy and food security of our region. We are willing to do our part. We are making concerted efforts to produce more crude oil and natural gas to meet the needs of the domestic market as well as for export. We also have huge potential for hydroelectric power. Moreover, as the agriculture sector is the mainstay of Myanmar's economy, we are focusing on expanding the cultivation of paddy, beans and pulses. We have also introduced new industrial crops, such as jetropha (physics nut) for use in the production of biofuels.

69. Economic and social progress can only be achieved through development, never through coercive economic measures. Such measures only serve to worsen the plight of the people, particularly the most vulnerable among them, women and children.

70. Unilateral sanctions have been imposed on Myanmar. These sanctions are unwarranted. Unilateral sanctions are also against international law. They are not only unfair but immoral. They are also counter-productive and deprive countries of their right to development. The sooner the unjust sanctions are revoked and the barriers removed, the sooner will the country be in a position to become the rice bowl of the region and a reliable source of energy.

XIV. Conclusion

71. Myanmar is home to over 100 national races and national unity is of paramount importance. Accordingly, we have been resolutely pursuing a policy of national reconciliation. Our endeavours have resulted in the return to the legal fold of 17 armed groups. We have effectively put an end to the decades-long insurgency. Peace and stability now prevails in almost all parts of the country. The prevailing conditions of peace and stability provide opportunities for the people of Myanmar to enjoy better standard of living and human rights. The sustained endeavours by the Government have also led to significant progress in the economic and social sectors. When the first *Human Development Report* by UNDP came out in 1990, Myanmar was placed in the third category: country enjoying low human development. The country's steady progress in development was reflected when, starting eight years ago, we were elevated to the second category: country enjoying medium human development. The report also shows that the percentage of the undernourished population has declined from 10 per cent to 6 per cent. The percentage of the population with sustained access to improved sanitation increased from 21 per cent to 73 per cent. Myanmar's adult literacy rate is 93.3 per cent, youth literacy rate is 96.5 per cent and the net primary school enrolment is 84.5 per cent.

72. For its part, Myanmar is striving to promote better living standards for its people. The implementation of the Millennium Development Goals is inextricably linked with the implementation of our National Development Plan. The national plan focuses on the promotion of equitable and balanced socio-economic development of both rural and urban areas. In recent years, we have made significant progress in areas, such as poverty alleviation, promotion of health and education.

73. In the health sector, Myanmar has been implementing a national plan that accords priority to eradication of major diseases, such as HIV/AIDS, malaria and tuberculosis. A high-level multisectoral committee on AIDS has been overseeing HIV/AIDS prevention and care activities in the country since 1989. The activities undertaken by the Committee include active surveillance, prevention of mother-to-child transmission as well as community, institution and home-based care services. These activities are carried out by the Government in close cooperation with international organizations such as WHO, UNICEF, the World Food Programme, national and international NGOs in order to reach out widely to vulnerable groups. As a result, Myanmar has not only levelled the rate of HIV/AIDS infection but also reduced it. I would like to emphasize that if we are to have a more dynamic and effective global response to HIV/AIDS, adequate resources must be made available. Moreover, allocation of resources for HIV/AIDS, malaria and tuberculosis must be on a need basis rather than on political consideration.

74. Myanmar has been implementing a seven-step political road map to democracy. The representatives of former armed groups together with the representatives of political parties, ethnic nationalities and other representatives took an active part in the National Convention process, the first crucial step of the road map. The National Convention successfully laid down the fundamental principles to be enshrined in a new State Constitution. Based on those principles, a new Constitution was drafted and put to a nationwide referendum last May. The people of Myanmar overwhelmingly approved the draft Constitution.

75. The fifth step of the road map, the general elections, will be held in 2010. Necessary measures are being undertaken for this important step. All citizens, regardless of political affiliation, will have equal rights to form political parties and to conduct election campaigns. The Government will ensure that the elections will be free and fair.

76. Myanmar today is steadfastly proceeding on its chosen path towards democracy. The challenges faced by Myanmar are complex and multifaceted. In the words of Mr. Tomás Ojea Quintana, Special Rapporteur on the situation of human rights in Myanmar, "Myanmar is going through a unique moment in its political history ... The country has gone through important changes over the past year and still continues to face complex challenges". Undue pressure from the outside, without fully comprehending the challenges faced by Myanmar, can in no way facilitate the country's home-grown political process. It cannot be stressed enough that no one can address the complex challenges facing Myanmar better than its Government and people. The international community can best assist Myanmar's democratization process by respecting the will of its people expressed in the recent referendum.

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Promotion and protection of human rights

Letter dated 20 September 2008 from the Permanent Representatives of Benin, Bosnia and Herzegovina, Costa Rica, Nicaragua, Norway and Qatar to the United Nations addressed to the President of the General Assembly

On behalf of our countries, we would like first to congratulate you on your election as the President of the sixty-third session of the General Assembly, resting assured that your expertise will enable you to accomplish your mission as the sixty-third President of the General Assembly to the fullest extent. At this, we would like to share with you our interest to convene a thematic debate during the sixty-third session of the General Assembly on an issue of great importance in the early response to emergencies and the reconstruction process: access to education in emergency, post-crisis and transition situations caused by man-made conflicts or natural disasters.

The right to education was established in the Universal Declaration of Human Rights in 1948. The Convention on the Rights of the Child further obliges States parties to ensure, without discrimination of any kind, access to education for all children living in their territories at all times. Article 28 of the Convention defines the right to free and compulsory primary education, urges States to develop accessible secondary and other levels of education, and encourages international cooperation in educational matters.

The right to education is acknowledged in a number of other frameworks that all Member States have an obligation to fulfil. The Dakar Framework for Action, Education for All: Meeting our Collective Commitments (2000) paid great attention to the educational consequences of emergencies, placing special emphasis on children affected by conflict and natural disasters and on educational programmes that promote mutual understanding, peace and tolerance and that help to prevent violence and conflict. The reality in several regions, in particular within areas affected by conflict and natural disasters, indicates that we are far behind in our quest to achieve the second Millennium Development Goal, which calls upon Member States to achieve universal primary education by 2015. Some 72 million children remain out of school and over half of these children (37 million) live in

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conflict-affected fragile states,[1] and preliminary findings of the strategic review of the Graca Machel study (A/62/228) show that two thirds of the world's out-of-school children at the primary level are in conflict-affected countries. More than half of each of these groups are girls, and countless other children are in areas affected by natural disasters.

During early response to emergencies and the reconstruction process, education, a basic human right, is frequently found to be interrupted, delayed or even denied, as highlighted in a recent report by the Special Rapporteur on the right to education, presented to the Human Rights Council at its eighth session on 4 June 2008 (A/HRC/8/10). On the subject matter, the Special Rapporteur found that "there is a disjunction between social, cultural and economic structures and the educational activities carried out in times of conflict or natural disaster". The Special Rapporteur further found that "there is an urgent need to close this gap because, although the impact of every emergency is different, there is one prevailing characteristic common to all: the interruption, degradation or destruction of education and education systems".

The importance of education is indicated through the great number of United Nations entities, such as the General Assembly, the Security Council, the Peacebuilding Commission, the Economic and Social Council, the Human Rights Council and the agencies of the United Nations system, such as the United Nations Children's Fund, the United Nations Educational, Scientific, and Cultural Organization, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the World Food Programme, along with civil society and non-governmental organizations that play a supportive role in the fulfilment of this right.

However, partially because of its wide application, there is a certain lack of cohesiveness and overview. The United Nations needs to refocus and renew its attention and revive its support for this enabling and crucial right. A thematic debate at the General Assembly on possibly the largest gap in fulfilling this right — access to education in emergency, post-crisis and transition situations caused by man-made conflicts or natural disasters — would be a timely and urgently needed step. It would allow for a better overview of current work and dialogues, such as on reaching children out of school in these situations. By safeguarding the right to education in emergencies, Governments and the international community send out a forceful message about the future. .

We, the undersigned, request this debate and believe the dialogue will better enable the international community to increase access to education, improve the quality of education and promote education as an effective part of every humanitarian and emergency response by renewing school infrastructure, improving a safe and secure learning environment, ensuring a relevant, non-biased curriculum that promotes peace, tolerance and understanding, enhancing capacities of local personnel and institutions, improving accountability in school management, increasing cooperation and effectiveness and other important measures.

[1] International Save the Children Alliance, *Last in Line, Last in School 2008: How donors can support education for children affected by conflict and emergencies*.

We hope that you will give this proposal serious consideration, and notify us at your earliest convenience. We assure you of our deep commitment to support your efforts in an area that has the potential to change our world in a profoundly positive way.

It would be appreciated if the present letter could be circulated as a document of the General Assembly under agenda item 64.

(*Signed*) Jean-Marie **Ehouzou**
Permanent Representative of Benin to the United Nations

(*Signed*) Miloš **Prica**
Permanent Representative of Bosnia and Herzegovina to the United Nations

(*Signed*) Jorge **Urbina**
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(*Signed*) Maria **Rubiales de Chamorro**
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(*Signed*) Morten **Wetland**
Permanent Representative of Norway to the United Nations

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Permanent Representative of Qatar to the United Nations